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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,437	08/17/2000	James Crouthamel	MBHB00-488	5131

34018 7590 12/01/2003

GREENBERG TRAURIG, P.C.
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EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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17

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Commissioner for Patents

see attached

Non-responsive, Bona-fide attempt

This is a response to applicant's amendment of 9 September 2003, which was submitted as a response to the Office Action of 3 July 2003.

Newly submitted claims 35-52 are directed to an invention that is independent and distinct from the invention originally claimed for the following reasons:

Group I – original claims 1-34, were directed to class 705/26, e-shopping.

Group II – new claims 35-52 are drawn to a new invention, found in class 709/319. New claims 35-52 are directed to registration documents for exchange of product data between a merchant site having a merchant database and a partner site having a partner database that communicate via a clearinghouse site having a clearinghouse database.

As a result the claims originally filed would have been restricted accordingly.

Applicant has received actions on the merits for originally presented invention. The invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 35-52 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The Office has not withdrawn claims 1-34 from prosecution. Applicant's identification of such claims in the amendment as "withdrawn" creates an ambiguity as to the actual status of these claims. See 37 CFR 1.121.

Applicant's attempt to "withdraw" claims 1-34 from prosecution and to add claims 35-52 amounts to an impermissible shifting of the invention from that elected by original presentation. MPEP 819.01. The amendment filed on 9 September 2003 attempting to

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"withdraw" claims 1-34 drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

Conclusion

The above-mentioned amendment, while *non-responsive*, appears to be a *bona fide* attempt to reply. The applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynne Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

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James Zurita
Patent Examiner
Art Unit 3625
24 November 2003


Jeffrey A. Smith
Primary Examiner